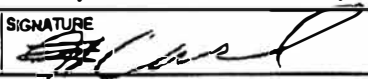



# **EXHIBIT 1**

State of California - The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

## PUBLIC SAFETY REPORT

Page 1 of 5

<input checked="" type="checkbox"/> <b>CRIME</b>  <input type="checkbox"/> <b>INCIDENT</b>  <input type="checkbox"/> <b>FIRE</b>	EVENT NUMBER <b>170325SUR-0085</b>	PARK UNIT NAME <b>Bolsa Chica State Beach</b>	PARK UNIT NO. <b>534</b>	DISTRICT NAME <b>Orange Coast North</b>	
	CODE SECTION AND DESCRIPTION, OR TYPE OF INCIDENT <b>PC 22810(g)(1) Illegal use of Tear Gas (or similar).</b>				
	LOCATION <b>Sea Legs on the Beach Restaurant</b>			COUNTY <b>Orange</b>	
From DATE OCCURRED To <b>3/25/2017 3/25/2017</b>		From TIME OCCURRED To <b>1230 2200</b>		DATE REPORTED <b>3/25/2017</b>	TIME REPORTED <b>1245</b>
OTHER AGENCY <b>CHP</b>				OTHER AGENCY REPORT NO.	FILE CONTROL NO.
<b>PARTY 1</b>	DRIVER LICENSE/IDENTIFICATION CARD NO.			STATE <b>CA</b>	
<input type="checkbox"/> VICTIM	NAME (FIRST, M, LAST) <b>JUSTIN NAOKI FRAGOSA</b>			<input type="checkbox"/> Reporting Party	
<input type="checkbox"/> WITNESS	STREET ADDRESS				
<input type="checkbox"/> INVOLVED	CITY / STATE / ZIP CODE				
<input type="checkbox"/> SUSPECT	SEX	HAIR	EYES	HEIGHT	WEIGHT
					BIRTHDATE (MM/YYYY)
					RACE <b>A</b>
					OTHER
<input checked="" type="checkbox"/> ARRESTED	HOME PHONE		BUSINESS PHONE		
<input type="checkbox"/> INJURED	VEHICLE YEAR	MAKE	MODEL		COLOR
<input type="checkbox"/> FATAL	VEHICLE TYPE	LICENSE NO.	STATE	ADDITIONAL VEHICLE IDENTIFIERS	
<b>PARTY 2</b>	DRIVER LICENSE/IDENTIFICATION CARD NO.			STATE	
<input checked="" type="checkbox"/> VICTIM	NAME (FIRST, M, LAST) <b>C I</b>			<input type="checkbox"/> Reporting Party	
<input type="checkbox"/> WITNESS	STREET ADDRESS <b>4065 Howard Ave</b>				
<input type="checkbox"/> INVOLVED	CITY / STATE / ZIP CODE <b>Los Alamitos, CA 90720</b>				
<input type="checkbox"/> SUSPECT	SEX	HAIR	EYES	HEIGHT	WEIGHT
					BIRTHDATE (MM/YYYY)
					RACE <b>W</b>
					OTHER
<input type="checkbox"/> ARRESTED	HOME PHONE		BUSINESS PHONE		
<input type="checkbox"/> INJURED	VEHICLE YEAR	MAKE	MODEL		COLOR
<input type="checkbox"/> FATAL	VEHICLE TYPE	LICENSE NO.	STATE	ADDITIONAL VEHICLE IDENTIFIERS	
<b>PARTY 3</b>	DRIVER LICENSE/IDENTIFICATION CARD NO.			STATE	
<input type="checkbox"/> VICTIM	NAME (FIRST, M, LAST) <b>N H</b>			<input type="checkbox"/> Reporting Party	
<input checked="" type="checkbox"/> WITNESS	STREET ADDRESS <b>unk.</b>				
<input type="checkbox"/> INVOLVED	CITY / STATE / ZIP CODE				
<input type="checkbox"/> SUSPECT	SEX	HAIR	EYES	HEIGHT	WEIGHT
					BIRTHDATE (MM/YYYY)
					RACE
					OTHER
<input type="checkbox"/> ARRESTED	HOME PHONE		BUSINESS PHONE		
<input type="checkbox"/> INJURED	VEHICLE YEAR	MAKE	MODEL		COLOR
<input type="checkbox"/> FATAL	VEHICLE TYPE	LICENSE NO.	STATE	ADDITIONAL VEHICLE IDENTIFIERS	
<b>SPECIAL HANDLING/STATUS</b> <input type="checkbox"/> Hate Crime <input type="checkbox"/> Juvenile Confidentiality <input type="checkbox"/> State Assets Lost/Stolen (copy to Audits Office) <input type="checkbox"/> Domestic Violence <input type="checkbox"/> PC 293 Confidentiality <input type="checkbox"/> Attorney General Notified <input type="checkbox"/> Outside Agency Assist <input type="checkbox"/> Public Safety Section Review <input type="checkbox"/> Copy to Local Law Enforcement					
<b>TRANSPORTED BY (check one)</b> <input type="checkbox"/> Self <input type="checkbox"/> Ambulance <input type="checkbox"/> Friend/Family <input type="checkbox"/> Other Agency <input type="checkbox"/> Paramedics <input type="checkbox"/> DPR					
NAME OF REPORTING EMPLOYEE <b>C. Ward</b>		SIGNATURE 		TITLE <b>State Park Peace Officer</b>	BADGE NO. <b>1409</b>
SIGNATURE OF SUPERVISOR 		TITLE <b>SPPD - SPPD</b>		BADGE NO. <b>1075</b>	DATE <b>3/24/17</b>

## REPORT CONTINUATION/SUPPLEMENTARY PAGE

State of California - The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

<input type="checkbox"/> PUBLIC SAFETY REPORT <input type="checkbox"/> VESSEL ACCIDENT REPORT <input type="checkbox"/> TRAFFIC COLLISION <input checked="" type="checkbox"/> <b>CRIME</b>	DATE OF ORIGINAL INCIDENT	TIME OCCURRED	EVENT NUMBER	PAGE
	3/25/2017 — 3/25/2017	1230 — 2200	170325SUR-0085	3 of 5
	DISTRICT NAME			
	Orange Coast North			
	PARK UNIT NAME			PARK UNIT NO.
	Bolsa Chica State Beach			534

## Charges:

PC 22810(g)(1) Illegal use of Tear Gas (or similar) F

PC 404.6 Incite Riot 404.6(a) M

PC 242 Battery M

## Summary:

Justin Naoki Fragosa identifies himself as an activist. Fragosa helped to organize a group of activists to demonstrate against a permitted event at Bolsa Chica State Beach, in Orange County, CA. I believe that Fragosa came to the event ready for a physical fight. Fragosa came to the event dressed in clothing that covered his identity and extremities that would also protect him from the effects of pepper spray. When an altercation between protesters and the event erupted, I saw Fragosa running away from the altercation, being followed by a group from the event. Fragosa jumped a fence onto Pacific Coast Highway (PCH), where he was detained by California Highway Patrol (CHP) Officers. While Fragosa was detained, C. Hinojosa, identified Fragosa as the person that pepper sprayed her in the face, unprovoked. Hinojosa told me that Fragosa came up to her while she was walking and sprayed her and others in the face with pepper spray. Hinojosa told me that her face was still burning from the spray. During a search incident to arrest, pepper spray and a mouth guard was found on Fragosa. At least two other people in the group organized by Fragosa were arrested for illegal use of pepper spray on a crowd. Based on the totality of the circumstances, I had probable cause to believe that Fragosa organized and participated in the use of pepper spray on the crowd at the event, which is a violation of PC 22810(g)(1) Illegal use of Tear Gas (or similar), and PC 4404.6 Incite a Riot. Because Fragosa had injured Hinojosa by pepper spraying her in the face causing temporary injury, Fragosa also violated PC 242 Battery.

## Narrative:

On 3/25/2017 I was on full uniformed patrol at Bolsa Chica State Beach in Orange County. I was assigned as a field supervisor and was monitoring a permitted special event near Sea Legs on the Beach restaurant. The event was called Make America Great Again (MAGA) march. Prior to the event, officers were warned that protesters may try to stop the event, and may use violence or riotous techniques to stop the event. I was assigned with Lt. David (1075) near Sea Legs restaurant (which was closed). At approximately 1200 hours, prior to any altercation, I counted approximately 28 protesters on the sand in front Sea Legs restaurant. I noticed approximately seven of the protesters had covered their faces with bandanas and sunglasses. The protesters were playing music and chanting. One of the songs that I heard was a rap song containing the lyrics "Fuck Trump". More than one of the protesters had that slogan on their t-shirts. The protesters appeared to want to agitate and annoy the participants of the march.

At approximately 1235 hours, I was notified by Incident Command (IC) over the radio that the group of protesters was physically blocking the path of the event. At approximately 1230 hours, the beginning of the march reached the protesters. There appeared to be a small altercation, but the march continued past the protesters. At approximately 1232 hours notification that a crowbar and hammer had been recovered near the protesters. At approximately 1235 hours, a large fight broke out on the beach between protesters and participants of the march. I heard over the radio that protesters were spraying pepper spray on the crowd. Lt. David moved to the beach and I covered the back of Sea Legs restaurant to watch for riotous groups flanking our officers. I saw Fragosa, later identified by CDL, running away from the altercation, being followed by a group from the event. Fragosa jumped a fence onto Pacific Coast Highway (PCH), where he was detained by California Highway Patrol (CHP) Officers.

Fragosa was wearing long sleeve black hooded jacket with the hood over his head, a black bandana covering his face and swim style dark goggles. While Fragosa was detained I spoke with a victim, Clarissa M. Hinojosa.

REPORTING EMPLOYEE'S SIGNATURE	BADGE NO.	MO. DAY YR.	SUPERVISOR'S SIGNATURE	BADGE NO.	MO. DAY YR.
	1409	3/25/2017		1075	3/24/17





## REPORT CONTINUATION/SUPPLEMENTARY PAGE

State of California - The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

<input type="checkbox"/> PUBLIC SAFETY REPORT <input type="checkbox"/> VESSEL ACCIDENT REPORT <input type="checkbox"/> TRAFFIC COLLISION <input checked="" type="checkbox"/> <b>CRIME</b>	DATE OF ORIGINAL INCIDENT	TIME OCCURRED	EVENT NUMBER	PAGE
	3/25/2017 — 3/25/2017	1230 — 2200	170325SUR-0085	4 of 5
	DISTRICT NAME			
	Orange Coast North			
	PARK UNIT NAME			PARK UNIT NO.
	Bolsa Chica State Beach			534

## Charges:

PC 22810(g)(1) Illegal use of Tear Gas (or similar)

PC 404.6 Incite Riot

PC242 Battery

## Narrative continued:

**H** 's statement:

H told me that she was walking with a crowd of people at the march when all of a sudden Fragosa just walked up to her and began spraying her and the crowd with pepper spray. Hinojosa identified Fragosa as the person that pepper sprayed her. H told me that Fragosa sprayed her directly in the face, and that her face was still burning from the spray.

During a search incident to arrest, pepper spray and a mouth guard was found on Fragosa.

I placed Fragosa under arrest for violation of PC 22810(g)(1) Illegal use of Tear Gas (or similar) . Fragosa was transported back to Bolsa Chica HQ for processing.

Multiple people in the area were upset and telling me that Fragosa had pepper sprayed them too. A witness, Naui Huitzicopochtli told me that he had video of the event.

At approximately 1330 hours at Bolsa Chica HQ Fragosa asked if he could talk to me. Fragosa told me that he was only using the pepper spray in self-defense. I read Fragosa his Miranda Rights, he said he understood his rights and was willing to talk about what happened.

**Fragosa's Statement:**

Fragosa told me that he was an activist and had been to numerous protests. Fragosa said that he came with two of the other three people that had been arrested for pepper spraying the crowd. Fragosa told me that he knew that the man and woman that he came with both had pepper spray. All three were wearing protective clothing and coverings on their face. Fragosa said that he had contacted them before the event to make sure that they were going. Fragosa said that he came to protest fascism, not to fight personally. Fragosa said that he knew that the confrontation could get violent, that's why he had the mouth guard and pepper spray, for his personal protection. Fragosa said that he knew the female, Jessica, and the male, Jesus, for a long time. Fragosa said that he saw Jessica get punched in the face and that's when he began pepper spraying the crowd in self-defense. While Fragosa pepper sprayed the crowd he told people to, "Back the fuck off!" Fragosa said that after he pepper sprayed people, he was punched and knock to the ground by multiple people, so he tried to spray them too. He ran away and jumped the fence on PCH in fear of the rest of the group. Fragosa told me that he had also been arrested before at an "Occupy L.A." protest in 2012, but the charges were dropped. (He was actually convicted for PC 409, Remain at the Scene of a Riot). Fragosa told me that a man named Williams had video that showed him being punched but did not know how I could contact Williams. Fragosa told me that he did not purchase the pepper spray for the event, he had it at his house. The confiscated pepper spray was manufactured in 2012. Fragosa told me that he did not need any medical attention.

Officer Senneff (1547) transported Fragosa to Orange County Jail for booking.

I booked the pepper spray and mouth guard case into evidence, #17007, at Bolsa Chica HQ

REPORTING EMPLOYEE'S SIGNATURE	BADGE NO.	MO. DAY YR.	SUPERVISOR'S SIGNATURE	BADGE NO.	MO. DAY YR.
	1409	3/25/2017		1075	3/26/17

## REPORT CONTINUATION/SUPPLEMENTARY PAGE

State of California - The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

<input type="checkbox"/> PUBLIC SAFETY REPORT	DATE OF ORIGINAL INCIDENT 3/25/2017 — 3/25/2017	TIME OCCURRED 1230 — 2200	EVENT NUMBER 170325SUR-0085	PAGE 5 of 5
<input type="checkbox"/> VESSEL ACCIDENT REPORT	DISTRICT NAME Orange Coast North			
<input type="checkbox"/> TRAFFIC COLLISION	PARK UNIT NAME Bolsa Chica State Beach			PARK UNIT NO. 534
<input checked="" type="checkbox"/> CRIME				

## Charges:

PC 22810(g)(1) Illegal use of Tear Gas (or similar)

PC 4404.6 Incite Riot

PC 242 Battery

## Conclusion:

Based on the totality of the circumstances, I have probable cause to believe that Fragosa organized and participated in the use of pepper spray on a crowd to try to disrupt a permitted political event and not in self-defense as he claims which is a violation of PC 22810(g)(1) Illegal use of Tear Gas (or similar), and PC 4404.6 Incite a Riot. Because Fragosa injured H by pepper spraying her in the face causing temporary injury, Fragosa also violated PC 242 Battery.

REPORTING EMPLOYEE'S SIGNATURE 	BADGE NO. 1409	MO. DAY YR. 3/25/2017	SUPERVISOR'S SIGNATURE 	BADGE NO. 1075	MO. DAY YR. 3/26/17
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Mail - State.ParksLiaison@parks.ca.gov

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## CDPR 170325SUR-0085 REJECTED

CMSEDCService@da.ocgov.com

Fri 6/2/2017 3:33 PM

To: ParksLiaison, State@Parks <State.ParksLiaison@parks.ca.gov>;

\*\*\*\*\* Do not reply to this email. This is not a monitored mailbox. \*\*\*\*\*

The Request for Complaint for CDPR 170325SUR-0085 is REJECTED:

DA CASE NUMBER: 17W02394X

DEFENDANTS:

FRAGOSA, JUSTIN NAOKI

22810(g)(1) PC

404.6(a) PC

242 PC

REASON: Rejected Reason: 011 - Lack Sufficient Evidence/Corpus

Rejected By DDA: PAUL BRAR

Rejected Date/Time: 06/02/2017 15:33:24 PM

Agency: CALIF. DEPT. PARKS AND REC - NORTH

DR #: 170325SUR-0085

Reject Comment: LACK OF EVIDENCE